

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RYAN KAISER, on behalf of himself and others similarly situated persons,

Plaintiff,

V.

Civil Action No. 4:18-cv-341- ALM

REVIVAL HOME HEALTHCARE
SERVICES, INC. and SYLVESTER C.
UDEZE,

Defendants.

MOTION TO WITHDRAW AS COUNSEL

NOW COMES Michael R. Cramer, Movant herein and files this Motion to Withdraw as attorney of record for Defendants, Revival Home Healthcare Services, Inc. and Sylvester C. Udeze (“Defendants”), in the above styled and numbered cause, and would state in support thereof the following:

BASIS OF MOTION

1. Revival Home Healthcare Services, Inc., and Sylvester C. Udeze retained Michael Cramer and Bailey and Galyen to represent them in this proceeding. Good cause exists for the withdrawal of Michael Cramer and Bailey and Galyen as Defendants' counsel because, among other reasons, those set forth under Rule 1.15(b) of the Texas Disciplinary Rules of Professional Conduct. In particular, Rule 1.15(b)(5) relates to Defendants' failure to fulfill an obligation to Bailey and Galyen, after being given reasonable warning that Michael Cramer and Bailey and Galyen would withdraw unless the obligation was fulfilled.

2. This case is currently set to be tried between August 1-31, 2020. There pending deadlines are set forth in the attached Scheduling Order (Exhibit A).

3. Michael Cramer and Bailey and Galyen's withdrawal can be accomplished without material adverse effect on the interests of the Plaintiffs and Defendants.

4. The withdrawal is not sought for purposes of delay.

5. All further notices, pleadings, and contact from the Court may be sent to the Defendants at the following address:

Address: 8717 Smokey Canyon Way
Plano, Texas 75024
Tel.: (214) 924-6666
(214) 995-4490
Email: revivalhomehealthcare1@gmail.com
udezes@aol.com
udezes2018@yahoo.com

6. Michael Cramer has discussed this request to withdraw with opposing counsel and opposing counsel is opposed to this Motion.

RELIEF REQUESTED

7. By this Motion, Michael Cramer and Bailey and Galyen request that the Court, based upon the good cause shown, grant this request and that the Court enter an order permitting them to withdraw as counsel of record for Defendants, in all matters pending under the above-styled and numbered cause.

WHEREFORE, Michael Cramer and Bailey and Galyen pray that this Court grant the relief requested herein, and such other relief to which they may be entitled.

Respectfully submitted,

Bailey and Galyen

By: /s/ Michael R. Cramer
Michael R. Cramer
Texas Bar No. 00790526
603 White Hills Drive, Suite B
Rockwall, Texas 75087
(972) 682-9902 – Telephone
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this instrument was served on all counsel of record, via the Court's E-Filing system, on February 4, 2020.

/s/ Michael R. Cramer
Michael R. Cramer

CERTIFICATE OF CONFERENCE

This is to certify that I contacted all counsel of record regarding the foregoing and:

- ☐ counsel has no objection to same
- ☒ **counsel objects to same, Or,**
- ☐ was unable to reach counsel.

SIGNED on this the 4th day of February, 2020.

/s/ Michael R. Cramer
Michael R. Cramer